

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-02 H-02 SS-15 NSC-05

 SSO-00 INRE-00 USIE-00 NSCE-00 /053 R

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW IMMEDIATE

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E.O. 11652:N/A

TAGS: EAIR, UR

SUBJECT: CIVAIR: EXPANSION OF BILATERAL AIR SERVICES

REF: MOSCOW 4729 AND PREVIOUS

1. WHILE INCLUSION US PROPOSED PARAGRAPH 8 LANGUAGE WITHIN PARAGRAPH 5 OF PROTOCOL MAY BE STYLISTICALLY LESS DESIRABLE THAN PLACING ITSEPARATELY IN ITS OWN PARAGRAPH, IN OUR VIEW, PLACEMENT WITHIN PARAGRAPH 5 DOES NOT HAVE EFFECT OF MAKING THAT LANGUAGE SUBJECT TO EXPIRATION. MOREOVER, IN OUR VIEW, THE BEHIND THE GATEWAY OPERATION CONTEMPLATED IN THE US PARAGRAPH 8 LANGUAGE IS IN ANY EVENT A RIGHT INHERENT TO BOTH PARTIES TO THE AGREEMENT. FOR TACTICAL REASONS, HOWEVER, EMBASSY SHOULD NOT EXPRESS THESE POSITIONS TO SOVIETS UNLESS ASKED.

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2. ACCORDINGLY, EMBASSY SHOULD INDICATE TO SOVIETS USG WILLINGNESS TO ACCEPT LYUBINOV'S COMPROMISE TO INCLUDE PARAGRAPH 8 WITHIN PARAGRAPH 5. FOR STYLISTIC REASONS THE OLD PARAGRAPH 8 AND EXISTING PARAGRAPH 5 SHOULD BE SUBPARAGRAPHED (1) AND (2) RESPECTIVELY WITHIN THE NEW PARAGRAPHS. WE ARE PROCEEDING WITH CIRCULAR 175 AUTHORITY TO COMPLETE FORMAL NOTE EXCHANGE ON BASIS THIS WORDING AND PLACEMENT

ELEMENTS WITHIN PARAGRAPH 5. WE ASSUME THIS WILL BE ACCEPTABLE TO SOVIETS AND THEREFORE ANTICIPATE FORWARDING CIRCULAR 175 AUTHORITY TELEGRAPHICALLY TO EMBASSY BY COB WASHINGTON APRIL 9.

3. CONCERNING QUESTION OF AEROFLOT'S FRIDAY WASHINGTON FLIGHT, EMBASSY IS CORRECT THAT THIS THIRD FLIGHT WILL BE IN VIOLATION AS FOREIGN AIR CARRIER PERMITS IN ABSENCE EXTENSION OF PROTOCOL. WE UNDERSTAND, HOWEVER, THAT PAN AMERICAN WILL AUTHORIZE THIS FLIGHT AS "EXTRA SECTION" AND THAT CAB WILL NOT CHALLENGE IT. WE WOULD HOPE THAT NOTE EXCHANGE WILL HAVE TAKEN PLACE BEFORE FRIDAY THEREBY MOOTING THIS PROBLEM. KISSINGER

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